

July 7, 2021

The Trustees of the Village of Malcolm met on Wednesday, July 7, 2021, at 7:00 p.m. in open session at the Village Hall located at 137 East 2nd Street, Malcolm, NE for such business as shall come before said Trustees. Notice of the meeting was in the June 24, 2021 "Clipper" and posted at the Village Hall and on the Malcolm Website on Monday, July 5, 2021.

ROLL CALL

Little, Schweitzer, Tarr, Faubion, Lemkau

Absent: none

OPEN MEETINGS LAW is posted and located on the wall as you enter the Village Hall.

VISITORS PRESENT: Bob Benes, Jon Mohr, Greta Leach, Jared Ritze, Matt Plooster, Alison Blair, Tim Powell, Robin Stephens, Judi Jirovsky, Ed Swotek, Nolan Rathe.

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the June 2, 2021, meeting with a few minor changes, seconded by Schweitzer. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5-0.

APPROVAL OF MINUTES: Lemkau made a motion to accept the minutes of the June 7, 2021, special meeting, seconded by Schweitzer. Vote was called, recorded as follows: AYE: Lemkau, Faubion, Schweitzer; NAY: None; Abstained: Little, Tarr; Motion carried 3-0.

TREASURER REPORT – Little made a motion to accept the treasurer's report for the month of June 2021 with disbursements of \$35,598.61 and deposits of \$95,752.57. Motion seconded by Tarr. The Chairperson called for a vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5-0; Members absent: None.

Bob Benes was present to ask the Board for permission to use the water model that the Board set up with JEO a couple of years ago to see if there would be adequate water supply if he continued with a housing development around the water tower. Board will discuss later in the meeting and let Bob know tomorrow.

MAINTENANCE REPORT: A report was submitted and received by the Board.

ATTORNEY'S REPORT: A report was submitted and received by the Board.

CLERK REPORT: A report was submitted and received by the Board.

Jeff Schweitzer left the meeting at 8:10 p.m.

Aaron King, owner of Genoa Food Co. Restaurant was present to discuss concerns going on between him and the neighbor behind the restaurant who was also present at the meeting. Following further discussion, the Board informed them both that Aaron has followed all the rules and had all the inspections needed while starting up the restaurant. Therefore, this situation is a civil matter between the two of them that needs to be worked out.

BACKGROUND: Ordinance for fee's charged in Malcolm, Impact Fee: Will be tabled until next meeting.

BACKGROUND: Codification of Malcolm Municipal Code: Municode submitted a price quotation sheet for the software license and Database conversion and software setup to make the Village codes searchable on the existing website. After further discussion, Little made a motion to move forward with Municode for \$1,200.00 for a yearly membership fee and a one-time set-up fee of \$1,000.00 to put a searchable code on the current website. Lemkau seconded the motion. The Chairman called for the vote, recorded as follows: AYE; Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Absent: Schweitzer left meeting early.

BACKGROUND: Chapter 12-601 (c) – 20-acre requirement for a single-family resident: Following further discussion, Board advised legal council to draft an Ordinance to change the zoning code to a minimum of 12 acres if you already own a parcel of 20 or more acres. A public hearing will be held at the Planning Commission meeting followed by the public hearing at the Board meeting for final approval.

BACKGROUND: Possibility of downtown paving – Miller & Associates surveying next week: This item will be tabled until the August meeting.

BACKGROUND: Sidewalks at big park: GANA Construction submitted a bid to place a culvert in the creek at the big park, so that a sidewalk can be placed overtop of the culvert going from the parking lot to the playground area for better access to the playground.

The Village is in line to receive \$35,928.15 from the ARPA (American Rescue Plan Act) that can be used for Water, Wastewater and Broadband updates within the Village. This item will be tabled until more clarification is received as to what the funds can be used for in the water and wastewater area.

BACKGROUND: Agreement with NextLink (was Future Tech): Future Tech has merged with NextLink. Future Tech provides the internet service for the Village and has antennas on the Village water tower. Since the merge, NextLink submitted an updated agreement between the Village and NextLink for a 60-month term. Following further discussion, and legal council review, Little made a motion to approve the agreement once page three is changed to reflect a Malcolm description instead of an Auburn description of location. Faubion seconded the motion. The Chairman called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Absent: Schweitzer left meeting early.

BACKGROUND: Plat for Subdivision around the water tower: Little made a motion to allow Mr. Benes to use the water modular that JEO set up for the Village of Malcolm, at Mr. Benes expense for a water study for a potential subdivision in Malcolm. Tarr seconded the motion. The Chairman called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Absent: Schweitzer left meeting early.

Little made a motion to suspend the three-reading rule for Ordinance 2021-04. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Absent: Schweitzer left meeting early.

BACKGROUND: Ordinance 2021-04 – to set compensation for Village Employee, Officials and Members of the Board of Trustees: Following further review of Ordinance 2021-04, Little made a motion to approve Ordinance 2021-04 to be put into effect July 7, 2021. Following the reading, Lemkau seconded the motion. The Chairman called for a roll call vote recorded as follows: AYE: Little, Tarr, Lemkau, Faubion; NAY: None; Motion carried 4-0; Absent: Schweitzer left meeting early.

BACKGROUND: Resolution 2021-LARM – Village Insurance Renewal & Cyber Liability Insurance renewal: Board had questions regarding deductibles, Nadine will check and report at the August meeting.

BACKGROUND: Greta Leach possible new member for the Planning Commission: Is no longer interested in being on the Planning Commission.

BACKGROUND: Removal of trees at park; siding for the Village Hall: Tree's will be tabled until the surveyor can mark the area to see who's land the trees are on.

Three bids were received for siding of the Village Hall, following further review, Tarr made a motion to except General Exteriors bid of \$12,824.00 for new siding and soffits for the Village Hall. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0. Absent: Schweitzer left meeting early.

Recommendation 376 – Building Permit – Chad & Vanessa Roof – Shed: After further review of the Planning Commission approval, permit, and plans, Little made a motion to accept Recommendation 376 to approve the building permit for a shed at 8801 NW 105th. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0. Absent: Schweitzer left meeting early.

Recommendation 377 – Use Permit – Donald Thompson – 140 West 2nd Street: After further review of the Planning Commission approval, permit & inspection suggestion, Little made a motion to accept Recommendation 377 to approved the Use Permit for Donald Thompson to run an EBay business at 140 West 2nd Street, contingent that the Malcolm Fire Department review the contents, layout, and overall fire safety of the building before business begins. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0. Absent: Schweitzer left meeting early.

Recommendation 378 – Building Permit – Scott & Lacy Smith – new home: After further review of the Planning Commission approval, permit, and plans, Little made a motion to accept Recommendation 378 to approve the building permit for a new home at 550 Malcolm Road for Scott & Lacy Smith contingent that the current drawings submitted are adjusted 10’ to the west property line to allow for required setbacks for egress windows. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4–0. Absent: Schweitzer left the meeting early.

Recommendation 379 – Building Permit – Zito Media – Extend fiber optic in Malcolm: After further review of the Planning Commission approval, permit and plans, Little made a motion to accept Recommendation 379 to approve a building permit for Zito Media to extend fiber optic in Malcolm. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4–0. Absent: Schweitzer left the meeting early.

Recommendation 380 – Building Permit – Gordon Wemhoff – sunroom: After further review of the Planning Commission approval, permit and plans, Little made a motion to accept Recommendation 380 to approve plans as submitted for a sunroom for Gordon Wemhoff at 2 Beckman Circle, Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4–0. Absent: Schweitzer left the meeting early.

With no further business to discuss, Little moved to adjourn at 10:31 p.m. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: None; Motion carried 4-0; Members absent: Schweitzer

Nadine Link, Village Clerk